



## *Land Use and Zoning Meeting Minutes*

*July 21, 2009*

STAFF:	David Radachy
DATE:	July 22, 2009
APPROVED BY:	<i>ju3</i>

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:33 p.m. by Chairman Terriaco.

Attendance was taken by sign in sheet. The following members were present: Messrs., Bodnar, Klco, Morse, and Terriaco, and Ms. Ross. Staff: David Radachy.

Mr. Terriaco asked for any comments from the public. Nobody from the public was in attendance.

Mr. Terriaco asked Mr. Radachy to present the cases.

There were two cases.

### **Concord Township – Text Change, Adding conditions to Section 13.35, Outdoor Dining**

Staff explained that the first case added new conditions to Section 13.35, Outdoor Dining. Those conditions would limit excessive noise beyond the premises and allow the Board of Zoning Appeals to restrict the hours of operation of the outdoor dining. These conditions were recommendations of the Planning Commission from February, 2009. Concord Township decided to follow the standard text amendment process with the recommendations instead of modifying the text amendment in February.

Staff recommended that the Township accept the text amendment.

The Committee discussed the requirement that outside dining should not exceed 25% and the location of the seating. Staff stated that there are restaurants that had their outside dining approved prior to this rule taking effect.

Mr. Klco made a motion to recommend the district change.

Ms. Ross seconded the motion.

Al voted "Aye".

Motion passed.

### **Concord Township – District Change 53 Acres from R-4 to R-2 RCD**

Staff presented the district change to the Committee. Staff stated that the request was to rezone a 53.58 acre piece of property from R-4, one acre lots to R-2, RCD, ½ acre lots. Staff stated that Eye Will Development is proposing the district change. It is located on land west of Ravenna and on the north side of Girdled Road. It is adjacent to Noble Ridge, Woodcrest and Cali Woods Subdivision. Staff

stated that the 47 subplot, R-4 yield plan was submitted as a preliminary plan and approved in 2004. This zoning district change was submitted in 2005. At the time, the plan called for 54 sublots with average lot size of 0.40 of an acre and there was 50% open space, which allowed them a density bonus of 7 lots. That plan was overturned by the voters.

The owners are now proposing a 52 subplot R-2 RCD Plan. Staff stated that the minimum lot size for R-2 RCD was ½ acre. The average lot size for the project is 0.507 of an acre. Staff stated that there is sanitary sewer and water available for the project.

This proposal would develop the property with 52 sublots and 21 acres of open space on about 40% of the site. If the property is developed under conventional zoning, it would be a 47 subplot subdivision without any open space.

Staff showed airphotos of the property and land use of the property. The property is 95% vacant with a house on it. The adjacent property is single family with vacant lots mixed in. There is commercial store on the corner and a veterinarian office being built to the west. The Committee asked if the roadways on the adjacent developments were set up with temporary cul-de-sacs. Staff stated Woodcrest and Cali Woods both have temporary cul-de-sacs and staff showed them on the airphoto.

Staff also showed the 2004 Comprehensive Plan and stated that the plan encouraged conservation development in the R-4 district. The Township stated they would like to see large tracts of land be preserved in open space adjacent to smaller lots.

Staff went over the yield plan and stated that there were four connections to other developments or roads. The lots meet the one acre minimum lot size. The lot layout was both in standard lots and flag lots. Staff stated that the layout was not very attractive.

Staff went over the RCD plan. There were 52 sublots on the plan. They were allowed a density bonus of 11% because they preserved 40% open space. This is an additional five sublots.

Staff gave a summary of the variance granted to Noble Ridge to not to connect to Stoneridge Estates and the lawsuits and appeals that followed. In the end, Noble Ridge was required to connect to Stoneridge Estates. Now, Stoneridge Estates is proposing not to connect to Noble Ridge. In order for this layout to be approved, a variance will need to be granted by the Planning Commission.

The Committee asked who will take care of the green space; staff stated it will be the homeowners association.

The Committee asked if there were any surprises. Staff stated that the streams on the site appear to be longer than what is shown on the plan. The Lake County Subdivision Regulations will require a wetlands delineation to be performed and that will include the streams. The Subdivision Regulations also requires the development to be designed with riparian setbacks taken into consideration.

There are two gas wells on the property. Staff stated that the separator and holding tanks are going to be moved to the front of the property. The Committee asked about waste from the drilling of the gas wells. Waste from the drilling of the gas wells was buried on the site. Those locations will need to be certified by a surveyor. If those locations are in the open space, they should be removed as land used in the calculation of the density bonus because they are no longer in their natural state. Land around the wells should also be removed from the calculation of the density bonus because it may be needed for maintenance in capping the gas well. In those cases, it will not be in its natural state. Staff stated if these areas are eliminated, it could affect their density bonus because they are at the low end of the scale.

Staff stated that while the average lot size is 0.507 of an acre, the majority of the lots are right at ½ of an acre. 32 of 52 lots or 61.5% are at ½ of an acre lot size. The average lot size is increased by a lot that is 0.64 of an acre and couple of lots that are over 0.55 of an acre.

Mr. Bodnar asked what the charge was of the Land Use and Zoning Committee in this case. Should they look at what led up to this and should they take into consideration public opinion and the referendum? Mr. Terriaco replied that the referendum should not be taken into consideration. Staff stated that when they review district changes, the first thing they do is look at the comprehensive plan. If the district change is in compliance with the comprehensive plan, staff recommends approval. In regards to the Land Use and Zoning Committee and the Planning Commission, both bodies should look to see if the proposed district change is in compliance with comprehensive plan. If it is, then they should recommend approval. If it is not, then they should look to see if there are reasons to go against the plan.

While it should not have any bearing on the Committee's decision, the Land Use and Zoning Committee and the Planning Commission both recommended approval in 2005.

Staff stated that there are some subdivision issues with the plan. These items would be forwarded to the Concord Township Zoning Commission. These items included that block length of the road exceed maximum block length by 1000 feet. The cul-de-sac right-of-way diameter did not conform to the subdivision regulations. It was too large. The pavement diameter of the cul-de-sac was too small in relationship to the right-of-way diameter.

Staff recommended the district change be made because it is in conformance with the Comprehensive Plan.

The Committee asked about the concerns. Staff stated the information will be supplied to Concord Township and they can use it to improve the proposed plan.

Mr. Morse made a motion to recommend the district change.  
Mr. Bodnar seconded the motion.

Al voted "Aye".  
Motion passed.

Mr. Terriaco asked if there was any new business.

Staff stated that letters were sent out to Madison Township, Perry Township, and their LUZ representatives to see if they wished to continue on the Committee. Mr. Klco and Ms. Diak from Madison Township both stated they would like to continue. Mr. Welch from Perry Township also stated he would like to continue. Ms. Garland from Perry Township has decided to step down. Perry Township will need to find a new representative.

Mr. Terriaco asked if there was any old business.

There was none.

There was no public present for the second public comment.

The meeting was adjourned at 7:03 P.M.